

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26339 of 2022

Arising Out of PS. Case No.-857 Year-2021 Thana- DANAPUR District- Patna

MANISH CHOUDHARY S/o Lakhi Choudhary R/o- Jhagri Mahadeo, Sheo
Mandir, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Special Case No. 7939 of 2021 arising out of Danapur P.S. Case
No. 857 of 2021 registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

As per prosecution case, there is alleged recovery
of 300 litres country made mahua liquor behind the house of the
petitioner. The petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 29.11.2021. Petitioner bears



criminal antecedent of one case in which he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing any incriminating article or liquor has been recovered from the conscious possession of the petitioner or from the house of the petitioner. Seizure list is not made as per law.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Danapur, Patna in connection with Special Case No. 7939 of 2021 arising out of Danapur P.S. Case No. 857 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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